

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF OHIO

FILED

2016 OCT 26 PM 12:14

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

YUSONG GONG, (Pro Se)

Plaintiff,

vs.

CLEVELAND CLINIC FOUNDATION,
TIMOTHY MYSHRALL,
MIRIAN DYBIES;

Defendants.

1 16 CV 2624
CASE NO.

JUDGE _____

JUDGE PEARSON

COMPLAINT

There is no civil action arising out of the same transaction
or occurrence as alleged in this

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff Yusong Gong, in order to complain against the Cleveland Clinic and Timothy Myshrall and Marian Dybies for the following reasons:

JURISDICTIONAL ALLEGATIONS

1. This Court has jurisdiction pursuant to The Rehabilitation Act, 29 USC §794 (disability discrimination).
2. Plaintiff is a resident of Ann Arbor, Washtenaw County, Michigan, and is a citizen of the United States.
3. Defendant, Cleveland Clinic Foundation is a company within the Northern District of Ohio, and has continuously had at least 15 employees at all relevant times.
4. The discriminatory acts complained of herein occurred within the Northern District of Ohio.

COUNT I – AMERICAN WITH DISABILITY/REHABILITATION
ACT

5. Defendants administer a “program or activity” as defined by i.e. “other post-secondary institution.” 29 USC §794(b)(2)(A).

6. Upon information and belief, Defendant Regents administer federal financial assistance through Medicare and Medicaid payments. By doing so, Defendant Regents have waived immunity under the Rehabilitation Act.

7. Plaintiff began her employment with Defendant on September 24, 2012. Plaintiff was terminated on August 11, 2013 under circumstances that her disabilities were being held against her.

8. Plaintiff is a qualified individual with a disability under the American with Disability Act, pursuant to 42USC §12111-12117 and the Rehabilitation Act, pursuant to 29 USC §794.

9. Plaintiff has two disabilities, chronic depression and repetitive motion disorder in her right arm. As a result of the repetitive motion disorder, she was given a work restriction stating she could not lift over five pounds and/or not to use her right arm. Plaintiff continues to receive medical treatment for her disabilities.

10. After realizing the offer of job bidding from Defendant was a paper processing; a bad annual performance review was manufactured and her email account was closed, Plaintiff was hospitalized from June 26 to July 5, 2013.

11. Plaintiff had a pre-boarding health check and per-placement medical history interview by defendant’s own clinic and physician on September 7, 2012. The test results and medical history reports were directly sent to defendant HR before September 24, 2012.

12. Plaintiff’s per-placement medical history stated she had disability and had been unable to work more than two weeks.

13. Plaintiff was hired as senior research technologist, but was ordered to perform the physical work which was not in her job descriptions and caused her arm injury aggravated.

14. Defendant failed to accommodate Plaintiff and discriminated against her in the terms and conditions of her employment, culminating in the termination, in violation of the Rehabilitation Act, 29 USC §794.

WHEREFORE, Plaintiff Yusong Gong, prays that this Honorable Court grant the following remedies:

- A. Declare that the aforementioned practices and actions of Defendant constitutes unlawful employment practices in violation of the American with disability Act 42USC §12111-12117, and Rehabilitation Act, 29 USC §794;
- B. Award Plaintiff all lost wages, past and future, to which she is entitled;
- C. Award Plaintiff compensatory damages;
- D. Award Plaintiff punitive and exemplary damages;
- E. Award Plaintiff reasonable attorneys' fees, costs, and interest;
- F. Award Plaintiff equitable relief, including but not limited to, an injunction directing Defendant to cease its discriminatory conduct and practices; full reinstatement to her employment and position with Defendant; and injunctive relief directing Defendant to provide Plaintiff her requested reasonable accommodations within a reasonable time; and
- G. Award such other relief as this Court deems just and proper.

COUNT II – RETALIATION/REHABILITATION ACT

15. Plaintiff incorporates by reference paragraphs 1-4 of the Jurisdictional Allegations and paragraphs 5-14 of Count I as though fully restated herein.

16. Plaintiff opposed practices made unlawful by the American with disability Act and the Rehabilitation Act, including but not limited to, penalizing Plaintiff for

asserting her rights to an accommodation.

17. Defendant retaliated and discriminated against Plaintiff for engaging in said protected activity.

18. Defendant maliciously made false accusation (falling asleep during meeting) against plaintiff soon after knowing her disabilities.

19. Defendant intentionally created emotional and physical stress to plaintiff soon after knowing her disabilities.

20. Defendant intentionally input false information on Plaintiff's FMLA form, changed plaintiff's last day of work from 3-10-2013 to 2-08-2013.

21. Plaintiff's health condition, disabilities got worsen after being abused by defendant.

22. During the time Plaintiff was employed by Defendant, she exercised rights granted by the Rehabilitation Act, including but not limited to asserting her rights to an accommodation based on her work restrictions.

23. Defendant terminated Plaintiff's employment in retaliation for her having asserted said rights.

WHEREFORE, Plaintiff Yusong Gong prays that this Honorable court grant the following remedies:

- A. Declare that the aforementioned practices and actions of Defendant constitutes unlawful employment practices in violation of the American with disability Act 42USC §12111-12117 and the Rehabilitation Act, 29 USC §794;
- B. Award Plaintiff all lost wages, past and future, to which she is entitled;
- C. Award Plaintiff compensatory damages and exemplary damages;
- D. Award Plaintiff reasonable attorneys' fees, costs, and interest;

E. Award Plaintiff equitable relief, including but not limited to, an injunction directing Defendant to cease its discriminatory conduct and

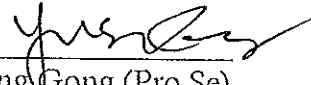
practices; and injunctive relief directing Defendant to provide Plaintiff her requested reasonable accommodations within a reasonable time; and

F. Award such other relief as this Court deems just and proper.

JURY DEMAND

Plaintiff Yusong Gong, requests a trial by jury.

Respectfully submitted,

By: 
Yusong Gong (Pro Se)
4937 North Ridgeside Circle,
Ann Arbor, MI 48105

Dated: October 24, 2016